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EXAMINER

CHENCINSKI, SIEGFRIED E

ART UNIT PAPER NUMBER

3628

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/740,761	Applicant(s) GRUBER ET AL.	
	Examiner Siegfried E. Chencinski	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-114 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-114 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/19/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-13, 15, 18-25, 27-34, 37-72 are rejected under 35 U.S.C. 103(a) as being disclosed by David King (Soliciting Virtual Money, Library Journal netConne4ct Supplement, August 10, 2000; hereafter King) in view of Rafal et al. (US Pregrant Publication 2002/0002586 A1, hereafter Rafal).

Re. Claims 1, 20, 39, 42, 43, 47 & 51, King discloses a method, system and computer program for on-line, interactive fundraising for an organization over a wide area network (p. 1, l. 19), comprising the steps of:

- hosting the organization's website, the website including a plurality of hyperlinked web pages (p. 1, ll. 13-15, 27-30; p. 3, ll. 14-16; p. 4, l. 20);
- displaying one or more web pages (p. 3, ll. 14-16);
- providing one or more donation and payment web pages (p. 1, ll. 19-20; p. 2, ll. 1-15);
- having one or more virtual plaques (p. 3, ll. 5-21; p. 4, l. 9);
- honoring donors (p. 3, ll. 8-21).

King does not explicitly disclose updating the one or more virtual plaques when a donation is made. However, Rafal discloses updating of donor information ([0012] – ll. 12-13). It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the teachings of King with the teachings of Rafal to reach for enhanced online fundraising results through the providing of diverse environments for online fund-raiser success (Rafal, [0010]- ll. 5-7).

Re. Claims 2 & 21, King does not explicitly disclose a method, system and computer program comprising the step of e-mailing one or more of the updated virtual plaques to potential donors. However, King emphasizes the use of email as an important tool in the fund raising process by emphasizing the importance of building an email database of donors and prospective donors (p. 2, ll. 9-10, 19). King also discloses the idea of benefactors who have an online plaque dedicated to them to use it as an “online brag sheet” of sorts which can be used to encourage their friends and colleagues to match their own contributions’ (p. 3, ll. 12-13). The most obvious way for the benefactor, the fundraising organization or an intermediary to do this is to email an updated virtual plaque to potential donors, such as the honoree e-mailing the plaque to potential donors such as his friends, acquaintances or class mates or fellow alumni. An ordinary practitioner of the art at the time of applicant’s invention would have seen the email option as an obvious possibility for easily promoting the making of donations at the time of Applicant’s invention and would have combined the disclosure of King with the obvious email opportunity motivated by the purpose of fundraising (King, title; p. 1, ll. 12-15).

Re. Claims 3 & 30, King discloses a method, system and computer program wherein one or more of the virtual plaques comprises a static virtual plaque (Inherently capable in an operating system such as Windows).

Re. Claims 4 & 31, King discloses a method, system and computer program wherein one or more of the virtual plaques comprises a scrolling virtual plaque (Scrolling is an inherent capability available in an operating system such as Windows).

Re. Claims 5 & 22, King discloses a method, system and computer program wherein the wide-area network is the Internet (p. 1, l. 19).

Re. Claims 6 & 29, King does not explicitly disclose a method, system and computer program further comprising the steps of editing and/or modifying one or more of the virtual plaques and/or the updated virtual plaques. However, Rafal discloses the updating of gift-giver profiles ([0012] – ll. 12-13). It would have been obvious to an ordinary practitioner of the art at the time of Applicant’s invention to have combined the teachings of King with the teachings of Rafal to reach for enhanced online fundraising

results through the providing of diverse environments for online fund-raiser success (Rafal, [0010]-5-7).

Re. Claims 7 & 34, King discloses a method and system comprising the use of TV/radio coverage to promote a web-based fundraising campaign including cyberplaquing features (p. 4, ll. 1-6). King also discloses the effectiveness of extensive cyberplaquing in fundraising campaigns. It would have been obvious for an ordinary practitioner of the art at the time of Applicant's invention to have used King's teachings to include virtual plaques and/or updated virtual plaques in the broadcasting components of a fundraising campaign in order to most effectively attract donations and attract attention the attention of prospective donors (King, p. 4, ll. 1-6).

Re. Claims 8 & 32, King discloses a method, system and computer program comprising the step of creating a personalized donation page for a donor (p. 3, ll. 12-13, 15-19).

Re. Claims 9 & 41, King discloses a method, system and computer program comprising the step of e-mailing a report to a donor (p. 2, ll. 19-21).

Re. Claims 10 & 23, King discloses a method, system and computer program comprising the step of providing promotional information about the organization and the fundraising cause on the website (p. 2, ll. 25-39).

Re. Claims 11 & 24, King discloses a method, system and computer program comprising the step of including information about the donor and the contribution on a personalized campaign page (p. 3, ll. 16-19).

Re. Claims 12 & 25, King discloses a method, system and computer program further comprising the step of providing a payment option, wherein the payment option includes payment by credit card (p. 1, l. 19; p. 2, ll. 12-13).

Re. Claims 13, King discloses a method, system and computer program further comprising the step of providing a payment option, wherein the payment option includes payment by mail (p. 1, ll. 31-37).

Re. Claims 15 & 27, King discloses a method, system and computer program wherein the organization is a charitable organization (p. 3, l. 14).

Re. Claims 18, 19, 37 & 38, King does not explicitly disclose a method, system and computer program wherein one or more of the virtual plaques and/or the updated

plaques is created on a web page containing an image of a book (claims 18 & 37) or art work (Claims 19 & 38). However, Rafal discloses web pages of activities such as fundraisers ([0010]-I.7; [0011]-I. 6) with graphical images "to produce the desired customized online gathering" (Abstract, ll. 12-17). Further, Rafal discloses book club discussions ([0009]-I.7) and "decorations which adorn the different pages" ([0040]-II. 4-5) selected according to "any theme" ([0040]-I. 7). For doing this, Rafal suggests the system of Halliday et al. (US Patent 5,880,740) or merely the upload and storing of images for incorporation ([0040]-II. 9-17. It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the disclosure of King with those of Rafal in order to provide virtual plaques and/or the updated plaques is created on a web page containing an image of a book or art work in order to provide diverse environments for online fund-raiser success (Rafal, [0010]-5-7).

Re. Claims 28, King discloses wherein one or more virtual plaques and/or updated virtual plaques is sent to a recipient (p. 4, ll. 12-13). King also discloses the online means for a recipient to make donations (p. 2, ll. 12-13). It would have been obvious for an ordinary practitioner of the art at the time of Applicant's invention to have combined King's two teachings for allowing the recipient to make donations, receive new virtual plaques, and re-forward the new virtual plaques to others, motivated by the opportunity to expedite the speed and effectiveness of the donation process (King, p. 2, l. 4-6, 13-15).

Re. Claims 33, King discloses a system wherein one or more of the virtual plaques and/or the updated virtual plaques is located on the personalized donation page (p. 4, 10-19).

Re. Claims 40, King discloses a system comprising a means for making use of virtual plaques (p. 3, ll. 4-21). An ordinary practitioner of the art at the time of Applicant's invention would have known that virtual plaques can be edited because editing is a feature of operating systems such as Windows or Linux. Further, Rafal discloses the updating of donor information ([0012] – ll. 12-13). Therefore, it would have been obvious to the ordinary practitioner of the art at the time of Applicant's invention to include the editing of virtual plaques as part of a fundraising campaign, motivated by the goal of

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increasing fundraising results through the providing of diverse environments for online fund-raising success (Rafal, [0010]- ll. 5-7).

Re. Claims 44-46, 59 & 60, King discloses the use of virtual plaques (a.k.a. cyberplaques) as an effective tool in fundraising and in the related motivational communication of donations (p. 3, ll. 5-21). King teaches the promotion of online giving through an online credit card feature. King teaches that when a donor uses this online credit card payment method it becomes an "instant" donation, giving "instant" satisfaction to both donor and fundraiser (p. 2, ll. 7-15). King further discloses individualized virtual plaques to commemorate an individual donor's gift(s) (p. 3, l. 16). King does not explicitly disclose:

- **Re. Claim 44**, the step of updating the one or more virtual plaques when a donation is made comprises the step of adding information about the donor and/or the donor's contribution to the one or more virtual plaques.
- **Re. Claim 45**, the step of updating the one or more virtual plaques when a donation is made comprises the step of creating a new virtual plaque having information about the donor and/or the donor's contribution.
- **Re. Claim 46**, the step of updating the one or more virtual plaques occurs only after the organization has received the donation.
- **Re. Claims 59 & 60**, the updating step occurs at the time of a donation, including updating the one or more virtual plaques on the web pages.

However, Rafal discloses the constant updating of donor information ([0012] – ll. 12-13).

It is obvious that constant updating includes updating when the donor has made a donation, since donations are the central focus, goal and motivation of fundraising. It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to draw from Rafal's teaching to:

- **Re. Claim 44**, add information about the donor and/or the donor's contribution to the one or more virtual plaques.
- **Re. Claim 45**, create a new virtual plaque having information about the donor and/or the donor's contribution.

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- **Re. Claim 46**, update the one or more virtual plaques only after the organization has received the donation.
- **Re. Claims 59 & 60**, the updating step occurs at the time of a donation, including updating the one or more virtual plaques on the web pages.

Consequently, **re. claims 44-46, 59 & 60**, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the teachings of King with the teachings of Rafal to reach for enhanced online fundraising results through the creation and updating of virtual plaques through the providing of diverse environments for online fund-raiser success (Rafal, [0010]-5-7).

Re. Claims 48 & 52, King discloses a method, system and computer program wherein the one or more virtual plaques comprises a plurality of virtual plaques, with each virtual plaque honoring a specific donor (p. 3, ll. 14-19). King does not explicitly disclose the updating the one or more virtual plaques comprises the step of and means for creating a new virtual plaque honoring the new donor. However, Rafal discloses the constant updating of donor information ([0012] – ll. 12-13). It would have been obvious to an ordinary practitioner to have created and wherein the step of creating a new virtual plaque honoring the new donor. Consequently, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the teachings of King with the teachings of Rafal to create new virtual plaques for new donors to reach for enhanced online fundraising results through the providing of diverse environments for online fund-raiser success (Rafal, [0010]-5-7).

Re. Claims 49 & 53, King discloses a method, system and computer program wherein the one or more virtual plaques comprises a single virtual plaque honoring the donors, and wherein the step of and means for updating the single virtual plaque comprises the step of and means for adding the new donor information to the single virtual plaque (p. 3, ll. 20-21).

Re. Claims 50 & 54, King discloses a method, system and computer program wherein the wide-area network comprises the Internet (p. 1, l. 19).

Re. Claims 55 - 58, King does not explicitly disclose a method, system and computer program where the updating step occurs at the time of a donation. However, Rafal

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discloses the constant updating of donor information ([0012] – ll. 12-13). It is obvious that constant updating includes updating when the donor has made a donation, since donations are the central focus, goal and motivation of fundraising. It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the teachings of King with the teachings of Rafal to reach for enhanced online fundraising results through the providing of diverse environments for online fund-raiser success (Rafal, [0010]-5-7).

Re. Claims 61-72, King does not explicitly disclose a method, system and computer program wherein:

- **Re. Claims 61, 63, 65, 67, 69 & 71**, a donor may choose the words and/or language inscribed in a virtual plaque.
- **Re. Claims 62, 64, 66, 68, 70 & 72**, a donor may choose the words and/or language inscribed in a virtual plaque and is further able to modify the virtual plaque at a later time.

However, Rafal teaches giving the donor the opportunity to post text messages or other information which will be made available to guests at an online fundraising party and which can form a significant portion of the valuable content made available to party goers ([0010]-I. 18-24). Rafal also teaches that online post fundraising activities may occur ([0012]-I.9-13). Therefore, **re. claims 61-72**, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the teaching of King with the teaching of Rafal to give a donor the opportunity to choose the words and/or language inscribed in a virtual plaque, and/or to permit a donor to modify the virtual plaque at a later time, motivated by the opportunity to create a diverse environment for fundraising directed at increasing fundraising potential (Rafal, [0010]-II. 5-7).

Re. Claims 73, 95 & 101, King discloses a method, system and computer program of fundraising over a wide-area network, the method comprising the steps of:

- providing a website for a cause, an event, or an organization engaged in fundraising (p. 1. ll. 13-15, 27-30; p. 3. ll. 14-16);

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- enabling contributions to be made in support of the cause, event or organization by a donor via the website (p. 1, ll. 19-20; p. 2, ll. 1-15);
- displaying one or more virtual plaques on the website that identify one or more donors (p. 3, ll. 10-21).

King does not explicitly disclose the enabling the donor to specify content within the virtual plaque. However, Rafal discloses online inputs from donors ([0010] – ll. 19-21). It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the teachings of King with the teachings of Rafal to reach for enhanced online fundraising results through the providing of diverse environments for online fund-raiser success (Rafal, [0010]- ll. 5-7).

Re. Claims 74, 96 & 102, King discloses a method, system and computer program wherein said content includes the amount of a donation and the donor's name (p. 3, ll. 14-19).

Re. Claims 75, 97 & 103, King discloses a method comprising the step of employing virtual plaques for fundraising. King does not explicitly disclose updating the one or more virtual plaques to include new information when a new donation is made. However, a donation represents new information. Further, Rafal discloses continuous updating of donor information ([0012] – ll. 12-13). It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the teaching of King with the teaching of Rafal to updating the one or more virtual plaques to include new information when a new donation is made, motivated by the opportunity to create a divers environment for fundraising directed at increasing fundraising potential (Rafal, [0010]-ll. 5-7).

Re. Claim 76, King discloses a method wherein information on virtual plaques is donor information (p. 3, ll. 14-21). King does not explicitly disclose a method wherein said new information is donor information. However, since the virtual plaques taught by King are to primarily contain donor information, it would have been obvious to an ordinary practitioner to have new information be donor information when the information being added is related in the context of a new donation, motivated by the

desire to increase fundraising through the honoring of donors (King, p. 1. ll. 13-15; p. 3, ll. 5-14).

Re. Claim 77, King discloses a method wherein information on virtual plaques is donor information (p. 3, ll. 14-21). King does not explicitly disclose a method wherein said donor information is the donor's name. However, since the virtual plaques taught by King are to primarily contain donor information, it would have been obvious to an ordinary practitioner to have new information be donor a donor's name when the information being added is related in the context of a new donation, motivated by the desire to increase fundraising through the honoring of donors (King, p. 1. ll. 13-15; p. 3, ll. 5-14).

Re. Claim 78 & 79, King discloses a method wherein information on virtual plaques is donor information (p. 3, ll. 14-21). King also discloses putting information about a contribution, including money, on a virtual plaque (p. 3, l. 17). King does not explicitly disclose the applying of new information to virtual plaques containing information about donors. However, since the virtual plaques taught by King are to primarily contain donor information, and since the purpose is to promote donations by honoring and publicizing the actual donations made by donors, it would have been obvious to an ordinary practitioner to have new information be a donor's contribution information, including the amount of a contribution when the information being added is related in the context of a new donation, motivated by the desire to increase fundraising through the honoring of donors (King, p. 1. ll. 13-15; p. 3, ll. 5-14).

Re. Claim 80 & 83, King does not explicitly disclose a method wherein the donor may choose the form of the virtual plaque on which the contents are to be displayed. However, Rafal discloses web pages of activities such as fundraisers ([0010]-I.7; [0011]-I. 6) with graphical images "to produce the desired customized online gathering" (Abstract, ll. 12-17). Further, Rafal discloses giving the donor the opportunity to contribute to the online environment by posting information or by uploading photographs and the like which will be made available for others to see ([0010] – ll. 7-9, 19-24). In this environment both the host and the donor have the opportunity to contribute to the graphic theme(s) displayed online. It would have been obvious to an ordinary

practitioner that among the choices given a donor would be a selection of graphic themes such as from a selection of virtual plaque forms on which content is to be displayed. It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the disclosure of King with those of Rafal in order to provide virtual plaques and/or the updated plaques created on a web page in forms chosen by a donor in order to provide diverse environments for online fund-raiser success (Rafal, [0010]-5-7).

Re. Claim 81, King discloses a method wherein the form is an image of a book.

Re. Claim 82, King discloses a method wherein the form is an image of a work of art.

Re. Claims 81 & 82, King does not explicitly disclose a method, system and computer program wherein one or more of the virtual plaques and/or the updated plaques is created on a web page containing an image of a book (claim 81) or art work (Claims 82). However, Rafal discloses web pages of activities such as fundraisers ([0010]-I.7; [0011]-I. 6) with graphical images "to produce the desired customized online gathering" (Abstract, ll. 12-17). Further, Rafal discloses book club discussions ([0009]-I.7) and "decorations which adorn the different pages" ([0040]-II. 4-5) selected according to "any theme" ([0040]-I. 7). For doing this, Rafal suggests the system of Halliday et al. (US Patent 5,880,740) or merely the upload and storing of images for incorporation ([0040]-II. 9-17). It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the disclosure of King with those of Rafal in order to provide virtual plaques and/or the updated plaques is created on a web page containing an image of a book or art work in order to provide diverse environments for online fund-raiser success (Rafal, [0010]-5-7).

Re. Claim 84, King discloses a method wherein the virtual plaque identifies a single donor (p. 3. ll. 15-16).

Re. Claims 85, 98 & 104, King discloses a method wherein the virtual plaque identifies a plurality of donors (p. 3. ll. 20-21).

Re. Claims 86, 99 & 105, King discloses a method wherein the virtual plaque is a static plaque (Inherently capable in an operating system such as Windows).

Re. Claims 87, 100 & 106, King discloses a method, system and computer program wherein the virtual plaque is a scrolling plaque (Scrolling is an inherent capability available in an operating system such as Windows).

Re. Claims 88 & 107, King discloses a method and computer program wherein said cause, event or organization is a charitable cause, event or organization (p. 3, l. 14).

Re. Claims 90 & 109, King discloses a method and computer program wherein said organization is a non-profit organization (p. 3, l. 14).

Re. Claim 91, King discloses a method wherein said cause, event or organization relates to a business (p. 3, l. 10, 20 (company/corporations), 23, 33, 39, 41; p. 4, ll. 5, 10, 20).

Re. Claim 92, King discloses a method wherein the virtual plaque includes a link to another web page (p. 3, ll. 15; p. 4, l. 20).

Re. Claims 93 & 110, King discloses a method and computer program wherein the virtual plaque is viewed on a computer screen (Viewing online images, including virtual plaques, is inherent).

Re. Claims 94 & 111, King discloses a method and computer program wherein a donor's name may be put on his/her individual virtual plaque or on a virtual plaque with the names of others (King, p. 3, ll. 14-21). It is obviously suggested that the placement and location of a donors name on the virtual plaque can be varied depending on the amount of donation.

Re. Claims 112, 113 & 114, King discloses a method, system and computer program of fundraising over a wide-area network, the method comprising the steps of:

- providing a website for a cause, an event, or an organization engaged in fundraising (p. 1, ll. 13-15, 27-30);
- enabling contributions to be made in support of the cause, event or organization by a donor via the website (p. 1, ll. 19-20; p. 2, ll. 1-15);
- displaying the acknowledgement on the website in the form of a scrolling virtual plaque (p. 3, 5-21. Scrolling is an inherent capability of operating systems such as Windows and Linux. An ordinary practitioner of the art at the time of

Applicant's invention would have found it obvious to incorporate a scrolling feature with a virtual plaque).

King does not explicitly disclose enabling donors to specify the content of a public acknowledgement of their contribution to the cause, event, or organization. However, Rafal discloses online inputs from donors ([0010] – Il. 19-21). It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the teachings of King with the teachings of Rafal to reach for enhanced online fundraising results through the providing of diverse environments for online fund-raiser success (Rafal, [0010]- Il. 5-7).

2. Claims 14 & 26 are rejected under 35 U.S.C. 103(a) as being disclosed by King in view of Rafal and further in view of Billings et al (US Pregrant Application 20020087344 A1, hereafter Billings).

Re. Claims 14 & 26, neither King nor Rafal explicitly disclose the step of providing a payment option wherein the payment option includes payment in two or more installments. However, Billings discloses a payment option which includes payment in two or more installments ([0007]; [0029]- Il. 4-6; [0038]). It would have been obvious to an ordinary practitioner at the time of Applicant's invention to have combined the disclosure of King with that of Billings to make payments more convenient for those donors who prefer to or need to make installment payments to donate the amount they choose to donate, thus expanding the fundraising options for non-profit institutions (King, p. 1, Il. 17-25).

3. Claims 16, 17, 35 & 36 are rejected under 35 U.S.C. 103(a) as being disclosed by King in view of Rafal as applied to claims 1 and 20 above, and further in view of Khuzadi et al. (US Pregrant Publication 2001/0049616 A1, hereafter Khuzadi).

Re. Claims 16 & 35, neither King nor Rafal explicitly disclose a method, system and computer program wherein the organization is a political action committee. However, Khuzadi discloses a method, system and computer program wherein the organization is a political organization ([0014]-Il. 4, 6-8). It would have been obvious to an ordinary

practitioner at the time of Applicant's invention to combine the art of King and Rafal with the art of Khuzadi for the purpose of fundraising for a political action committee motivated by the desire of people to participate in group action to influence government or public policy (Khuzadi, [0005]-II. 1-7; [0006]-II. 1-2).

Re. Claims 17 & 36, neither King nor Rafal explicitly disclose a method, system and computer program wherein the organization is a political organization. However, Khuzadi discloses a method, system and computer program wherein the organization is a political organization ([0014]-II. 4, 6-8). It would have been obvious to an ordinary practitioner at the time of Applicant's invention to combine the art of King and Rafal with the art of Khuzadi for the purpose of fundraising for a political organization motivated by the desire of donors to participate in group action to influence government or public policy (Khuzadi, [0005]-II. 1-7; [0006]-II. 1-2).

4. Claims 89 & 108 are rejected under 35 U.S.C. 103(a) as being obvious by King in view of Rafal as applied to claims 73, 74 & 75 above, and further in view of Khuzadi.

Re. Claims 89 & 108, neither King nor Rafal explicitly disclose a method wherein said cause, event or organization is a political cause, event or organization. However, Khuzadi discloses a method, system and computer program wherein the organization is a political cause ([0014]-II. 4, 6-8). It would have been obvious to an ordinary practitioner at the time of Applicant's invention to combine the art of King and Rafal with the art of Khuzadi for the purpose of fundraising for a political cause, event or organization, motivated by the desire of people to participate in group action to influence government or public policy (Khuzadi, [0005]-II. 1-7; [0006]-II. 1-2).

Response to Arguments

5. Applicant's arguments filed May 10, 2005 with respect to claims 1-114 have been fully considered but they are not persuasive.

ARGUMENT A: King should be withdrawn as a prior art reference because Applicant conceived of the invention prior to August 10, 2000 per Applicant's affidavit and

additional documentation submitted with the arguments filed January 14, 2006. Further, Applicant questions the examiner's dating of the King reference as "August 10, 2001" as article appears in the "Fall 2000" issue of a journal. (p. 17, ll. 18-24).

RESPONSE: The King reference's dating of the use of virtual plaques, also known as cyberplaques or electronic plaques, has been clarified and strengthened by the IDS documents filed by Applicant on January 14, 2006 as predating Applicant's earliest permissible swearing back date of December 12, 1999. The University of Pennsylvania's Library Division's Development Department used the electronic plaques, also calling them virtual plaques and cyberplaques, at some time between 1995 and January, 1998. These submitted documents include a number of articles written by Adam Corson-Finnerty, Director, Library Development and External Affairs, University of Pennsylvania. Three of these articles document the dating of the University of Pennsylvania Library Development and External Affairs Department's conception and development into practice of electronic plaques made to recognize donors as an initiative begun in 1995 (see Cybergifts, Part 7: Charitable Pathways; pp. 6, line 1 and ff.). CYBERGIFTS, Part 9: MAJOR GIFTS, of this same series of 10 parts, elaborates on this development and on the coining of the expression "cyber-plaquing" with a section titled "Electronic Plaquing" from page 5, bottom, to page 7, middle ("the possibilities in electronic plaquing ..."). Finally, the Article titled "Library Fundraising on the Web", also by Adam Corson-Finnerty (January, 1998), and also submitted as part of Applicant's January 14, 2006 IDS submission, further documents the University of Pennsylvania Library's use of "electronic plaquing" for donors on page 2, "1. Donor Recognition". These references further date the disclosure made in the King reference to a time prior to Applicant's Affidavit, which does not specify when Applicant conceived of and put into practice the "cyberplaquing" feature. These IDS documents submitted on January 14, 2006 thus provide extended details and dates of the full use in practice of the disclosures in the King reference. These disclosures make moot Applicant's affidavit submitted on January 14, 2006 and Applicant's questioning of the August 10, 2000 date of the King reference. These documents also make clear that Mr. Adam Corson-Finnerty wrote extensively about the University of Pennsylvania Library's energetic and

creative fund raising activities practiced throughout the 1990's. These activities and practices included aggressive use of the electronic tools made available by the technologies which made possible the widely available electronic networks, particularly the internet and the world wide web and the web based tools which became available to exploit these electronic communications networks, freely sharing this information at least to the world of fund raisers around the United States and beyond. Therefore, these documents fix the time period of conception and development into practice of electronic/virtual/cyber plaques made to recognize donors disclosed in the King article as between 1995 and January 1998, thus making moot Applicant's Affidavit. This thus confirms the validity of the King reference.

ARGUMENT B: "Rafal fails to teach or suggest any virtual plaque. Rafal does not relate to ... fundraising activity. ... Rafal ... constantly updates the profiles of ... gift-givers. The updating of information in a database cannot be equated to updating a virtual plaque displayed on a website to honor a donor". (p. 17, l. 25 – p. 18, l. 6).

RESPONSE:

Applicant explicitly admits to a sentence in Rafal which teaches "... constantly updates the profiles of gift-givers" (see argument above). This disclosure in Rafal clearly suggests updating of donor information to the ordinary practitioner. It would have been obvious to the ordinary practitioner to include "updating, according to instructions from a donor, one or more virtual plaques" under the 35 USC 103 (a) obviousness statute because updating of donor data is involved, whether this involves virtual plaques which in this case are part of an electronic computer and electronic network system, as in Rafal, or other updating. However, the practitioner would have seen the obviousness of the teaching regardless of the means for performing the updating, even if simple paper records were involved. The key suggestion is the step of updating. The secondary idea is to update donor records and, in turn, the updating of the virtual plaque, which is directly specific to the environment at hand in the Rafal disclosure (updating the profiles of gift givers). The propriety of this principle of what would have been obvious to the ordinary practitioner in seeking a solution for a given problem has been affirmed just a

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few days ago by the Federal Circuit Court on March 22, 2006 in *In re Khan* (“A suggestion, teaching, or motivation to combine the relevant prior art teachings does not have to be found explicitly in the prior art, as the teaching, motivation, or suggestion may be implicit from the prior art as a whole, rather than expressly stated in the references. . . . The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art. *In re Kotzab*, 217 F.3d 1365, 1370 (Fed. Cir. 2000). However, rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *See Lee*, 277 F.3d at 1343-46; *Rouffett*, 149 F.3d at 1355-59. This requirement is as much rooted in the Administrative Procedure Act, which ensures due process and non-arbitrary decisionmaking, as it is in § 103. *See id.* at 1344-45.” *In re Kahn*, Slip Op. 04-1616, page 9 (Fed. Cir. Mar. 22, 2006).).

In this case the examiner relies on “what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art” and on an “articulated reasoning with some rational underpinning to support the legal conclusion of obviousness”, which are both central to the above opinions cited in *In re Khan*.

Conclusion

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Siegfried Chencinski whose telephone number is 571-272-6792. The Examiner can normally be reached Monday through Friday, 9am to 6pm. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Hyung S. Soug, can be reached on (571) 272-6799.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks, Washington D.C. 20231

or faxed to:


(703)872-9306 [Official communications; including After Final communications labeled "Box AF"]

(571) 273-6792 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the address found on the above USPTO web site in Alexandria, VA.

SEC

April 7, 2006


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